

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 742 OF 2006

Shri Devdas Narasappa Asadi. ...Applicant
V/s.
The State of Maharashtra. ...Respondent

Shri A.D. Thorat for Applicant.
Ms.Rajeshree M. Gadhavi, APP for the State.

CORAM : V.M. KANADE, J.

DATED : FEBRUARY 22, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant has an apprehension that he is likely to be arrested in connection with an offence punishable under Sections 302, 143, 144, 147, 148, 149 read with Section 34 of the IPC and other provisions of the Arms Act.

2. It is alleged that one Naresh Gaikwad who was the Corporator of Ambarnath Municipal Corporation was murdered. It is alleged that the applicant is also

involved in the present case and his presence is established from the statement of witnesses.

3. Learned Counsel for the applicant submits that the name of the applicant has been falsely implicated in the present case. He submit that the applicant was working with the deceased and is a prime witness in a case filed against one Rahimtullah for the offence punishable under Section 302 and on account of that, he has been falsely implicated.

4. It is not possible to accept the said submission of the learned Counsel for the applicant. The other witnesses were also injured when the Corporator was shot dead and the other witnesses who were waiting at the bus stop were also injured as a result of bullet injury. Considering the material which is there on record, in my view, this is not a fit case for grant of anticipatory bail.

5. Application for anticipatory bail is rejected. However, if an application is made for regular bail, the

same may be construed on its own merits without being influenced by any observations by this Court while rejecting this application.

. Application is disposed of as such.

(V.M. Kanade, J.)